

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Crim. No. 09-00188-12-CR-W-BCW
	)	
DAUOD L. HOLMES,	)	
	)	
Defendant.	)	

**STIPULATION AND WAIVER**

The following applies to the matter of defendant's Motion to Reduce Sentence Pursuant to Amendment 782 of the Sentencing Guidelines, and 18 U.S.C. § 3582(c)(2):

1. The parties agree that the defendant is eligible for a sentence reduction pursuant to Sentencing Guidelines Amendment 782 and 18 U.S.C. § 3582(c)(2).
2. The defendant's current total offense level is 29, which resulted in a Guidelines range of 151 to 188 months. The Government agrees that two levels should be deducted from that Guidelines range, and further agrees to recommend a sentence at the bottom of the re-calculated Guidelines range.
3. The parties stipulate that the re-calculated total offense level is level 27, yielding a Guidelines range of 130 to 162 months.
4. The parties further stipulate that a reasonable sentence would be not more than 130 months.
5. In consideration of the above stipulations and agreements, the defendant expressly waives his right to appeal his modified sentence, directly or collaterally.

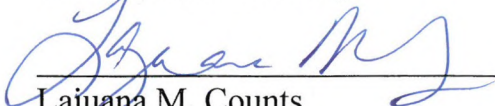
The defendant also expressly waives his right to a full hearing on his sentence modification and his right to appear in person at that hearing. The defendant further waives any right he may have had to seek any further sentence modifications or reductions from the district court, including but not limited to, the right to invoke any of the factors set forth in 18 U.S.C. § 3553(a) in support of a sentence modification or reduction.

6. The defendant expressly agrees to a modification of his sentence based solely on the re-calculated Guidelines.
7. The defendant further acknowledges he has been advised that he is entitled to a hearing before any unfavorable changes can be made to his conditions of supervised release. The defendant expressly waives his right to a hearing on the modification of the conditions of his supervised release and agrees that he will reside in and satisfactorily participate in a residential reentry center program, until discharged by the center director after consultation with the Probation Office, for a period not to exceed 120 days.
8. The defendant is eligible for release effective November 1, 2015. However, any earlier release date set irrespective of an Amendment 782 reduction shall control.

Dated

11/19/15

Tammy Dickinson  
United States Attorney

  
Lajuana M. Counts  
Assistant United States Attorney

I am defendant's attorney, and I have fully explained his rights to him with respect to the sentence modification hearing. Further, I have carefully reviewed every part of this Stipulation and Waiver with him. To the best of my knowledge, Dauod L. Holmes's decision to enter into this Stipulation and Waiver is an informed and voluntary one.

Dated 11.17.15



Stephen C. Moss  
Attorney for Defendant

I have consulted with my attorney and fully understand all of my rights with respect to all aspects of the sentence modification hearing. I have read this Stipulation and Waiver and carefully reviewed every part of it with my attorney. I understand this Stipulation and Waiver and I knowingly and voluntarily agree to it.

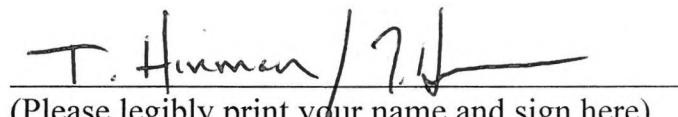
Dated 11-12-15



Dauod L. Holmes  
Defendant

On this 12<sup>th</sup> day of November in the year 2015, before me, personally appeared Dauod L. Holmes sr. known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. In witness whereof, I hereunto set my signature.

Dated 11/12/15



(Please legibly print your name and sign here)  
(FBDP Counselor)